

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. (National phase filing of PCT/US04/08960)

Applicant: Jacobson et al.

Filed: Herewith

TC/AU: Not assigned

Examiner: Not assigned

Docket No.: 238149 (DHHS Reference No. E-084-2003/2-US-02)

Customer No.: 45733

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or*
- ☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

#### Copies of the References

- ☐ Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- ☒ Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- ☒ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☒ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining

Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ **No fee** is owed by the applicant(s).
- ☐ Charge Deposit Account No. 12-1216 in the amount of **\$180.00** (37 CFR 1.17(p)).  
(A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

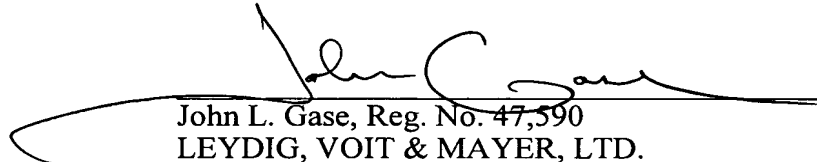
10/551126

In re Appln. of Jacobson et al.  
Application No. (National phase filing of PCT/US04/08960)

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**Instructions as to Overpayment**

- ☒ Credit Account No. 12-1216.  
☐ Refund



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Date: September 23, 2005



Substitute for form 1449A/B/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

**Complete if Known**

Application Number	National phase filing of PCT/US04/08960
Filing Date	Herewith 10/551126
First Named Inventor	Jacobson et al.
Group Art Unit	Not assigned
Examiner Name	Not assigned
Attorney Docket Number	238149
Client Reference No.	E-084-2003/2-US-02

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of

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**U.S. PATENT DOCUMENTS**

Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
	A A	2002/0049309	A1	Cai et al.	April 25, 2002	April 13, 2000
	A B	2002/0115157	A1	Davis et al.	August 22, 2002	January 11, 2002
	A C	2003/0007978	A1	Burrows et al.	January 9, 2003	May 1, 2001
	A D	6,461,867	B1	Cai et al.	Issued October 8, 2002	September 8, 1997
	A E	6,528,054	B1	Cai et al.	Issued March 4, 2003	July 20, 2000

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	A F	WO	02/072631	A2	DAKO A/S; DYNAL BIOTECH ASA	19 September 2002		
	A G	WO	02/083851	A2	GENVEC, INC.	24 October 2002		
	A H	WO	02/083906	A1	GSF-FORSCHUNGSZENTRUM FUER UMWELT UND GESUNDHEIT GMBH	24 October 2002		x+
	A I	WO	02/087613	A1	OREGON HEALTH AND SCIENCE UNIVERSITY	7 November 2002		
	A J	WO	02/46399	A2	THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS	13 June 2002		
	A K	WO	03/065977	A2	DANA-FARBER CANCER INSTITUTE	14 August 2003		

**OTHER - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**
	A L	Bangham, <i>Curr. Opin. Immunol.</i> , 12, 397-402 (2000)		
	A M	Bielekova et al., <i>J. Mol. Med.</i> , 79(10), 552-565 (2001)		
	A N	Chen et al., <i>J. Immunol.</i> , 157(9), 3783-3790 1996		
	A O	Frangione-Beebe et al, <i>Vaccine</i> , 19, 1068-1081 (2001)		
	A P	Gnjatic et al., <i>PNAS</i> , 97(20), 10917-10922 (September 26, 2000)		
	A Q	Hamann et al., <i>J. Exp. Med.</i> , 186(9), 1407-1418 (November 3, 1997)		
	A R	Huang et al., <i>Science</i> , 286, 952-954 (October 29, 1999)		
	A S	Hudrisier et al., <i>FASEB J.</i> , 16, 477-486 (April 2002)		
	A T	Hudrisier et al., <i>Journal of Immunology</i> , 166, 3645-3649 (2001)		
	A U	Jacobson et al., <i>Nature</i> , 348, 245-248 (1990)		
	A V	Kersh et al., <i>J. Exp. Med.</i> , 184(4), 1259-68 (October 1996)		
	A W	Kubota et al., <i>J. Immunol</i> , 164, 5192-5198 (2000)		
	A X	Mendez et al., <i>J. Virol.</i> , 71(12), 9143-9149 (December 1997)		

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A Y	Moss et al., <i>PNAS</i> , 99(23), 15024-15029 (November 12, 2002)		
A Z	Parker et al., <i>J. Immunol.</i> , 152, 163-175 (1994)		
B A	Reilly et al., <i>Journal of Virology</i> , 74(18), 8262-8267 (September 2000)		
B B	Roederer et al., <i>Journal of Immunological Methods</i> , 274, 221-228 (2003)		
B C	Stinchcombe et al., <i>Immunity</i> , 15, 751-761 (November 2001)		
B D	Suchin et al., <i>Journal of Immunology</i> , 166, 973-981 (2001)		
B E	Tomaru et al., HTLV-I Meeting in Brazil Poster Presentation (Submitted August 2002; not presented)		
B F	Tomaru et al., <i>Nat. Med.</i> 9(4), 469-476 (April 2003)		
B G	Winter et al., <i>J. Immunol.</i> , 146, 3508-3512 (1991)		
B H	Yamano et al., 4th International Congress on Neurovirology, Presentation Submission (June 2002)		
B I	Yamano et al., <i>Blood</i> , 99(1), 88-94 (January 1, 2002)		

JC20 Rec'd PCT/PIO 23 SEP 2005

Examiner Signature		Date Considered	
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\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).